REMARKS

No claims have been amended, added or cancelled. Therefore, claims 1-62 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-62 under 35 U.S.C. § 102(e) as being anticipated by Kouznetsov et al. (U.S. Patent 6,782,527) (hereinafter "Kouznetsov"). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner's assertion, Kouznetsov fails to disclose a plurality of peer nodes...configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment. Instead of a peer-to-peer environment, Kouznetsov teaches a centralized client/server environment. Kouznetsov teaches a method for distributing at least portions of an application centrally located on an application management server to a plurality of network appliance clients according to a client/server model. Nowhere does Kouznetsov teach or suggest that the application management server and/or the network appliance clients are peer nodes configured to implement a peer-to-peer environment according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols that enable the participating peer nodes to participate in the peer-to-peer functionalities as described in Applicants' claim 1. To the contrary, Kouznetsov teaches a conventional client/server model. The client/server model is clearly indicated in Kouznetsov col. 3, lines 35-40:

> Briefly stated, the present invention involves a method of providing a set of desired application functions to a plurality of network-coupled computing appliances. A set of code resident on a network-connected

application management server is identified that when executed in a network appliance provides the desired application functions.

And in col. 4, lines 10-14, Kouznetsov clearly discloses the client/server model of his invention:

> In accordance with the present invention, application code is efficiently distributed amongst and executed by a variety of client machines, but is maintained in a consistent state with a model of the application that is resident on a centralized network-connected server.

Thus, Kouznetsov's description of the invention in col. 3, lines 35-52 and elsewhere does not disclose a method implemented on peer nodes configured to participate in a peer-to-peer environment according to a peer-to-peer platform that allows the participating peer nodes to participate in the peer-to-peer functionalities described in claim 1.

Kouznetsov does disclose, in col. 5, lines 19-21, that "the present invention is readily adapted for both client/server and peer-to-peer type networks as well as hybrid topologies." However, claim 1 recites more than just a peer-to-peer type network. Furthermore, Kouznetsov provides absolutely no description whatsoever of how his teachings would be adapted a peer-to-peer type network. Nor does Kouznetsov provide any description whatsoever of what portions of his system would participate as peers in a peer-to-peer type network Even if Kouznetsov's system was adapted for a peer-to-peer type network, it would not mean that the application management server and/or the network appliances would be peer nodes configured to implement a peer-to-peer environment according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols that enable the participating peer nodes to participate in the specific peer-to-peer functionalities as described in Applicants' claim 1. Instead, Kouznetsov only indicates that the invention may be adapted to a peer-to-peer type network. Kouznetsov does not teach that the network appliances themselves would configured as peer nodes configured to implement a peer-to-peer environment according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols as recited in Applicants' claim 1.

Furthermore, even if Kouznetsov's system was adapted for a peer-to-peer network, it would not require that a plurality of peer nodes are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network.

In addition, regarding claim 1, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 24-37 or elsewhere a relay peer node operable to couple to the network outside the mechanism, and further operable to: receive a message from a peer node outside the mechanism, wherein the message is for a peer node inside the mechanism; and relay the message to the peer node inside the mechanism. In col. 6, lines 24-37, Kouznetsov describes address translation devices that provide a dynamic mapping between network invalid addresses and network valid addresses and that may be used to locate network-coupled resources. Nowhere does Kouznetsov teach that the address translation devices are operable to receive messages from one network-coupled resource (such as a network appliance) "outside" a mechanism (e.g., a firewall or Network Address Translation (NAT) gateway) and relay the message to another network-coupled resource (such as a different network appliance) "inside" the mechanism. Further, nowhere does Kouznetsov teach that the address translation devices are peer nodes configured to implement a peer-to-peer environment according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols as described in Applicants' claim 1, nor does Kouznetsov teach that the "network-coupled resources" are peer nodes configured to implement a peer-to-peer environment according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols as described in Applicants' claim 1.

In the **Response to Arguments** section of the Final Action, the Examiner asserts that Applicants argue "in substance that A) Kouznetsov does not disclose peer to peer network and peer to peer platform protocols. B) Kouznetsov does not disclose wherein the mechanism is a Network Address Translation. C) Kouznetsov does [not] disclose a

relay node." As shown in more detail below, the Examiner has ignored specific details of Applicants arguments and claims. Applicants also note that the Examiner gives no additional specific evidence to support his rejection of any individual claims of the present invention.

Regarding A, the Examiner asserts that Kouznetsov discloses that the present invention is readily adapted for peer to peer networks as clearly stated in column 5, lines 19-23, and that using peer to peer platform protocols is inherent in peer to peer networks. However, as Applicants previously noted. Simply employing a peer-to-peer network in Kouznetsov's system would not result in Applicants' claimed invention. Implementing Kouznetsov's method for distributing at least portions of an application centrally located on an application management server to a plurality of network appliances in a peer-to-peer type network does not imply that those clients and servers must necessarily be configured as described in claim 1. A peer-to-peer network may be configured in many different ways, and there would be many different ways to implement Kouznetsov's distribution method on such a network. No description is given for an alternate distribution method, for a peer to peer network, in which network appliances themselves are peer nodes configured to implement a peer-to-peer environment according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment, as recited in Applicants' claim 1. For example, to create a peer-to-peer network, there is no requirement that the peers implement any protocol for discovery or forming groups. Applicants remind the Examiner that, "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is **necessarily present** in the things described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPA2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added).

The existence of a conventional peer-to-peer network in a computer system does not mean that a plurality of peer nodes are configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment. For example, in conventional peer-to-peer networks, the peers typically do not implement a protocol platform for discovering other peers and forming peer groups. Therefore, the Examiner's claim of inherency is clearly incorrect.

Regarding B, the Examiner asserts that the address translation devices of Kouznetsov (column 6, lines 24-37) provide dynamic mapping and allow a network to present itself to the internet with fewer IP addresses than there are nodes on its internal network, which is implemented in a router, firewall or pc. The Examiner further asserts that there are 2 types of NAT (static and dynamic) and that Kouznetsov discloses the dynamic type of NAT. **However, as further discussed below regarding claim 4, this conflicts with the Examiner's earlier remarks regarding claim 1, in which he equates the address translation devices of Kouznetsov with the relay peer node of the present invention (an assertion that Applicants have traversed above regarding claim 1), not with the mechanism for partitioning the plurality of peer nodes into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, where the mechanism is a Network Address Translation (NAT) gateway.**

Kouznetsov does not teach a plurality of peer nodes that are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network. Even if Kouznetsov's system was adapted for a peer-to-peer network, it would not necessarily result in a plurality of peer nodes that are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or

more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network.

Regarding C, the Examiner broadly interprets the connect server item number 105 in figure 1 as the relay node which couples the appliance to the network. However, there is nothing in Kouznetsov that teaches or discloses that connect server 105 is *a peer node... operable to receive a message from a peer node outside the mechanism; wherein the message is for a peer node inside the mechanism; and relay the message to the peer node inside the mechanism,* nor does the Examiner give any specific evidence to support this interpretation. Instead, connect server 105 is described as being implemented by connection sharing software to couple local networks 103 and 104 to network 101, not to relay messages across a partitioning mechanism. Furthermore, as discussed above regarding A), adapting Kouznetsov's application code distribution method for a peer-to-peer network would not **necessarily require** a relay peer node, configured as recited in claim 1. **Finally, this interpretation conflicts with the Examiner's own remarks in the rejection of claim 1, in which he describes address translation devices 111, not connect server 105, as implementing the message-relaying functions of a relay peer node.** Nowhere does Kouznetsov teach or suggest that connect server 105 or address translation device 111 are configured as a relay peer node to relay messages from one peer node to another peer node across a mechanism that partitions the peers. Adapting Kouznetsov for peer-to-peer would not require these specific limitations.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 2, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 38-49 or elsewhere a relay peer node configured to receive a message from a peer node *inside* a mechanism, wherein the message is for the peer node outside the mechanism; and relay the message to the peer node *outside* the mechanism. Instead, in col. 6, lines 38-49, Kouznetsov describes an agent within a network appliance that "[w]hen appropriate, ...downloads updated code" from an application management

server with which the agent has "establishe[d] a frequent connection." The paragraph in Kouznetsov cited by the Examiner clearly is not referring to a "relay peer node" that relays messages between the agent/appliance and the application management server across a "mechanism." Kouznetsov's statement that the agent has "establishe[d] a frequent connection" with the application management server clearly indicates that a *connection* is established between the network appliance and the application management server, and thus that no "relay peer node" is used to relay messages between the network appliance and the application management server.

Thus, for at least the reasons presented above, the rejection of claim 2 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 4, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 24-37 that "the mechanism is a Network Address Translation (NAT) gateway." In col. 6, lines 24-37, Kouznetsov describes address translation devices that provide a dynamic mapping between network invalid addresses and network valid addresses and that may be used to locate network-coupled resources. However, Applicants note that, in the rejection of claim 1, the Examiner attempts to equate the address translation devices described in Kouznetsov with the relay peer node of claim 1, not the mechanism that partitions the plurality of peer nodes. Therefore, it appears that the Examiner is asserting that both the relay peer node and the mechanism that partitions the plurality of peer nodes, as described in claim 1, are "address translation devices." The Examiner has stated that Kouznetsov's "address translation device" is both configured to relay messages from one network appliance or other network resource to another network appliance or other network resource across another "address translation device" that partitions the network resources. Such an interpretation of Kouznetsov is clearly incorrect.

Thus, for at least the reasons presented above, the rejection of claim 4 is not supported by the cited prior art and removal thereof is respectfully requested. Similar

remarks as those above regarding claim 4 also apply to claims 13, 29, 32, 44, 50, 56, and 62.

Regarding claim 5, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 5, lines 24-40, a relay peer node operable to cache route information describing one or more routes to peer nodes on a network. First, Applicants note that nowhere in the cited paragraph, or elsewhere, does Kouznetsov teach a relay peer node (see Applicants' responses to the Examiner's objections for claim 1). Second, Applicants note that nowhere in the cited paragraph, or elsewhere, does Kouznetsov disclose the caching of route information describing one or more routes to peer nodes on a network. Thus, Kouznetsov does not teach or suggest a relay peer node operable to cache route information describing one or more routes to peer nodes on a network. **The Examiner failed to rebut this argument in the Final Action.**

Thus, for at least the reasons presented above, the rejection of claim 5 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 5 also apply to claims 15, 21, 34, 38 and 52.

Regarding claim 9, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 38-49, or elsewhere, that a message includes route information, and wherein, to relay the message to the peer node inside the mechanism, the relay peer is operable to use the route information included in the message to route the received message to the peer node outside the mechanism. Instead, in col. 6, lines 38-49, Kouznetsov describes an agent within a network appliance that "[w]hen appropriate, ...downloads updated code" from an application management server with which the agent has "establishe[d] a frequent connection." The paragraph in Kouznetsov cited by the Examiner clearly does not describe anything similar to including route information in messages, or to using the route information included in a message to route the message. **The Examiner failed to rebut this argument in the Final Action.**

Thus, for at least the reasons presented above, the rejection of claim 9 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 9 also apply to claims 18, 25, 36, 41 and 54.

Regarding claim 11, contrary to the Examiner's assertion, for reasons similar as discussed above in regard to claims 1, Kouznetsov fails to disclose a plurality of peer nodes operable to couple to a network, wherein the plurality of peer nodes are configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment. Further, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 24-37 or elsewhere relay peer nodes operable to couple to the network outside a mechanism, for reasons similar to those discussed above in regard to claim 1.

In addition, regarding claim 11, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 24-37 or elsewhere, that each of the peer nodes inside the mechanism are operable to publish an advertisement on the one or more relay peer nodes. In col. 6, lines 24-37, Kouznetsov describes address translation devices that provide a dynamic mapping between network invalid addresses and network valid addresses and that may be used to locate network-coupled resources. Kouznetsov does not teach in col. 6, lines 24-37 or elsewhere that any other devices are operable to publish advertisements on the address translation devices or anywhere else on the network. Kouznetsov nowhere mentions advertisements at all, and certainly never mentions publishing advertisements.

In further regard to claim 11, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 9, lines 31-39 or elsewhere that each of the peer nodes outside the mechanism are operable to discover the advertisements for the peer nodes inside the mechanism published on the one or more relay peer nodes. First, as noted above, Kouznetsov does not teach the publishing of advertisements. Second, in col. 9, lines 31-39, Kouznetsov describes, as the Examiner correctly points out, the downloading of

application code from a secondary resource (e.g., another appliance). Applicant notes that there is a clear distinction between the process of "discovering" (e.g., an advertisement) and the process of "downloading" (e.g., application code). There is also a clear distinction between a published "advertisement" and "application code." Thus, Applicants respectfully fail to see what the cited paragraph from Kouznetsov, which describes the downloading of application code from a secondary resource, has to do with the discovering of advertisements published on a relay peer node.

The Examiner failed to rebut any of the arguments regarding claim 11 in the Final Action. Thus, for at least the reasons presented above, the rejection of claim 11 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 20, contrary to the Examiner's assertion, Kouznetsov fails to disclose a peer node with a memory comprising program instructions executable within the peer node to perform the elements of claim 20 according to a peer-to-peer platform for reasons similar to those cited in regard to claim 1. Further, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 6, lines 24-37 or elsewhere that the program instructions executable within the peer node are executable to receive a message from a source peer node on the network and relay the message to a destination peer node on the network, for reasons similar to those cited in regard to claim 1. In addition, as discussed above, Kouznetsov fails to disclose that the peer nodes are configured to implement a peer-to-peer environment on the network according to the peer-to-peer platform, wherein the peer-to-peer platform comprises one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment. **The Examiner failed to rebut this argument in the Final Action.**

Thus, for at least the reasons presented above, the rejection of claim 20 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 30, contrary to the Examiner's assertion, Kouznetsov fails to disclose means for the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in a peer-to-peer environment on the network for reasons similar to those cited in regard to claim 1. Further, contrary to the Examiner's assertion, Kouznetsov fails to disclose means for the peer nodes inside the partition to advertise themselves outside the partition and means for the peer nodes outside the mechanism to discover the advertised peer nodes inside the partition, for reasons similar to those cited in regard to claim 11.

Thus, for at least the reasons presented above, the rejection of claim 30 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 37, Kouznetsov fails to disclose a plurality of peer nodes implementing a peer-to-peer environment on a network according to a peer-to-peer platform, wherein the peer-to-peer platform comprises one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment, for reasons similar to those cited in regard to claim 1. Further, Kouznetsov fails to disclose one of the plurality of peer nodes inside a partitioning mechanism on the network publishing an advertisement on a relay peer node outside the partitioning mechanism for reasons similar to those cited in regard to claim 11. In addition, Kouznetsov fails to disclose one of the plurality of peer nodes outside the partitioning mechanism discovering the advertisement to the peer node inside the partitioning mechanism on the relay peer node, for reasons similar to those cited in regard to claim 11. Further, Kouznetsov fails to disclose in col. 6, lines 24-37 or elsewhere a peer node outside the partitioning mechanism sending a message to the peer node inside the partitioning mechanism to the relay peer node; and the relay peer node relaying the message to the peer node inside the partitioning mechanism, for reasons similar to those cited in regard to claim 1. Also note that Applicants assert that Kouznetsov does not disclose a relay peer node at all for reasons similar to those cited in regard to claim 1.

Thus, for at least the reasons presented above, the rejection of claim 37 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 45, contrary to the Examiner's assertion, Kouznetsov fails to disclose a plurality of peer nodes implementing a peer-to-peer environment on a network according to a peer-to-peer platform, wherein the peer-to-peer platform comprises one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment, for reasons similar to those cited in regard to claim 1. Further, contrary to the Examiner's assertion, Kouznetsov fails to disclose one or more of a plurality of peer nodes as relay peer nodes, for reasons similar to those cited in regard to claim 1. In addition, contrary to the Examiner's assertion, Kouznetsov fails to disclose in col. 5, lines 24-40 and FIG. 1, or elsewhere, a relay peer node caching route information describing one or more routes to other peer nodes on the network, for reasons similar to those cited in regard to claim 5.

Thus, for at least the reasons presented above, the rejection of claim 45 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 51, similar arguments as made above for claims 1 and 11 apply. Thus, for at least the reasons presented above, the rejection of claim 51 is not supported by the cited prior art and removal thereof is respectfully requested.

Regarding claim 57, similar arguments as made above for claims 1 and 5 apply. Thus, for at least the reasons presented above, the rejection of claim 57 is not supported by the cited prior art and removal thereof is respectfully requested.

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must

be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The independent claims of the present application are clearly not anticipated by Kouznetsov.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07100/RCK.

Also enclosed herewith are the following items:

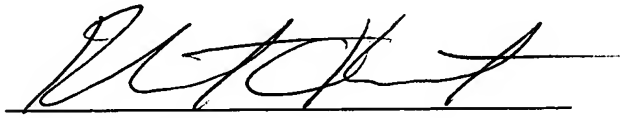
☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☒ Notice of Appeal

Respectfully submitted,



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